

## MERCHANT, GOULD, SMITH, EDELL, WELTER &amp; SCHMIDT

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FAST-SENSING AMPLIFIER FOR FLASH MEMORY.

The specification of which

a. X is attached hereto

b. \_ was filed on \_ as application serial no. \_ and was amended on \_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_ filed \_ and as amended on \_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. X no such applications have been filed.

b. \_ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B.	Reg. No. 34,470.	Gabilan, Mary Susan	Reg. No. 38,729	Pollinger, Steven J.	Reg. No. 35,326
Batzli, Brian H.	Reg. No. 32,960	Gates, George H.	Reg. No. 33,500	Reich, John C.	Reg. No. 37,703
Beard, John L.	Reg. No. 27,612	Golla, Charles E.	Reg. No. 26,896	Reiland, Earl D.	Reg. No. 25,767
Beck, Robert C.	Reg. No. 28,184	Gorman, Alan G.	Reg. No. 38,472	Schmidt, Cecil C.	Reg. No. 20,566
Bejin, Thomas E.	Reg. No. 37,089	Gould, John D.	Reg. No. 18,223	Schuman, Mark D.	Reg. No. 31,197
Berman, Charles	Reg. No. 29,249	Gresens, John J.	Reg. No. 33,112	Schumann, Michael D.	Reg. No. 30,422
Bogucki, Raymond A.	Reg. No. 17,426	Hamre, Curtis B.	Reg. No. 29,165	Sebald, Gregory A.	Reg. No. 33,280
Bruess, Steven C.	Reg. No. 34,130	Hassing, Thomas A.	Reg. No. 36,159	Smith, Jerome R.	Reg. No. 35,684
Byrne, Linda M.	Reg. No. 32,404	Hillson, Randall A.	Reg. No. 31,838	Sorensen, Andrew D.	Reg. No. 33,606
Carlson, Alan G.	Reg. No. 25,959	Hollingsworth, Mark A.	Reg. No. 38,491	Stinebruner, Scott A.	Reg. No. 38,323
Carter, Charles G.	Reg. No. 35,093	Kastelic, Joseph M.	Reg. No. 37,160	Strawbridge, Douglas A.	Reg. No. 28,376
Caspers, Philip P.	Reg. No. 33,227	Kowalchyk, Alan W.	Reg. No. 31,535	Strodthoff, Kristine M.	Reg. No. 34,259
Clifford, John A.	Reg. No. 30,247	Kowalchyk, Katherine M.	Reg. No. 36,848	Summer, John P.	Reg. No. 29,114
Conrad, Timothy R.	Reg. No. 30,164	Krull, Mark A.	Reg. No. 34,205	Summers, John S.	Reg. No. 24,216
Crawford, Robert	Reg. No. 32,122	Lacy, Paul A.	Reg. No. P-38,946	Tellekson, David K.	Reg. No. 32,314
Daignault, Ronald	Reg. No. 25,968	Lasky, Michael B.	Reg. No. 29,555	Underhill, Albert L.	Reg. No. 27,403
Daley, Dennis R.	Reg. No. 34,994	Lynch, David W.	Reg. No. 36,204	Vandenburgh, J. Derek	Reg. No. 32,179
Daulton, Julie R.	Reg. No. 36,414	Mau, Michael L.	Reg. No. 30,087	Vietzke, Lance L.	Reg. No. 36,708
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044	Welter, Paul A.	Reg. No. 20,890
Edell, Robert T.	Reg. No. 20,187	McDonald, Wendy M.	Reg. No. 32,427	Williams, Douglas J.	Reg. No. 27,054
Farber, Michael B.	Reg. No. 32,612	Mueller, Douglas P.	Reg. No. 30,300	Wood, Gregory B.	Reg. No. 28,133
Fauver, Cole M.	Reg. No. 36,797	Nelson, Albin J.	Reg. No. 28,650		
		Plunkett, Theodore	Reg. No. 37,209		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,  
Welter & Schmidt  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name BRINER	First Given Name Michael	Second Given Name S.
0	Residence & Citizenship	City San Jose	State or Foreign Country California	Country of Citizenship U.S.A.
1	Post Office Address	Post Office Address 4051 La Mesa Lane	City San Jose	State & Zip Code/Country CA/95124/USA
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
2	Post Office Address	Post Office Address	City	State & Zip Code/Country
2	Full Name Of Inventor			
0	Residence & Citizenship			
3	Post Office Address			

Signature of Inventor 201 	Signature of Inventor 202	Signature of Inventor 203
Date Feb. 2, 1995	Date	Date

Revised 4/5/93

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

D564661

ENDORSED  
FILED

In the office of the Secretary of State  
of the State of California

FEB 18 1998

CERTIFICATE OF MERGER  
MERGING  
MICRON QUANTUM DEVICES, INC.  
WITH AND INTO  
MICRON TECHNOLOGY, INC.

*Bill Jones*  
BILL JONES, Secretary of State

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Pursuant to Section 252 (and by reference  
Section 251(f) of the General Corporation  
Law of the State of Delaware

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Micron Technology, Inc., a Delaware corporation ("MTI"), DOES HEREBY CERTIFY AS  
FOLLOWS:

FIRST: That MTI was incorporated in Delaware in 1984 pursuant to the Delaware General  
Corporation Law (the "DGCL"), and Micron Quantum Devices, Inc. ("MQD") was incorporated in  
California in 1992 pursuant to the California General Corporation Law.

SECOND: That an Agreement and Plan of Reorganization (the "Reorganization  
Agreement"), dated as of January 20, 1998, between MTI and MQD, setting forth the terms and  
conditions of the merger of MQD with and into MTI (the "Merger"), has been approved, adopted,  
certified, executed and acknowledged by each of the constituent corporations in accordance with the  
requirements of Section 252 of the DGCL.

THIRD: That the surviving corporation (the "Surviving Corporation") shall be MTI, which  
shall retain the name "Micron Technology, Inc."

FOURTH: That pursuant to the Reorganization Agreement, from and after the effective time  
of the Merger, the Certificate of Incorporation of MTI shall continue to be the Certificate of  
Incorporation of the Surviving Corporation.

FIFTH: That an executed copy of the Reorganization Agreement is on file at the principal place of business of the Surviving Corporation at the following address:

Micron Technology, Inc.  
8000 South Federal Way  
Boise, Idaho 83706-9632

SIXTH: That a copy of the Reorganization Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.

SEVENTH: That the authorized capital stock of MQD is 140,000,000 shares of common stock, no par value.

EIGHTH: That the Merger shall become effective upon the filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

NINTH: That, in accordance with Section 252(e) of the DGCL, the Reorganization Agreement has been adopted by MTI, which is the Surviving Corporation in the Merger, by action of its board of directors and without any vote of its stockholders pursuant to Section 251(f) of the DGCL and the following conditions have been satisfied: (1) the Reorganization Agreement does not amend in any respect the Certificate of Incorporation of MTI; (2) each share of stock of MTI outstanding immediately prior to the effective date of the Merger is to be an identical outstanding share of the common stock of MTI after the effective date of the Merger; and (3) the authorized unissued shares of common stock of MTI to be issued or delivered under the Reorganization Agreement plus those initially issuable upon conversion of any other shares, securities or obligations to be issued or delivered under the Reorganization Agreement do not exceed 20% of the shares of common stock of MTI outstanding immediately prior to the effective date of the Merger.

IN WITNESS WHEREOF, MTI has caused this Certificate of Merger to be executed in its corporate name as of the 18<sup>th</sup> day of February 1998.

MICRON TECHNOLOGY, INC.

By: Roderic W. Lewis

Roderic W. Lewis  
Vice President of Legal Affairs, General  
Counsel and Corporate Secretary



02/20/98 10:06

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FROM CORPORATION TRUST-DOVER, DE 3026748340 (FRI) 2.20'98 13:08/ST. 13:07/NO. 4260103806 P 2

*State of Delaware*

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*Office of the Secretary of State*

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"MICRON QUANTUM DEVICES, INC.", A CALIFORNIA CORPORATION, WITH AND INTO "MICRON TECHNOLOGY, INC." UNDER THE NAME OF "MICRON TECHNOLOGY, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF FEBRUARY, A.D. 1998, AT 5:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Edward J. Freel*  
Edward J. Freel, Secretary of State

2032425 8100M

AUTHENTICATION:

8930122

**PATENT**

**S/N 08/895,618**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael S. Briner

Examiner: Amir Zarabian

Serial No.: 08/895,618

Group Art Unit: 2818

Filed: July 17, 1997

Docket: 703.007US2

Title: A COMPUTER INCLUDING A FAST SENSING AMPLIFIER

**REVOCATION AND POWER OF ATTORNEY**

Assistant Commissioner for Patents

Washington, D.C. 20231

In accordance with 37 C.F.R. Section 1.36, M.P.E.P. Section 402.05, 402.07, and 324  
please revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or  
patent agents to prosecute this application and to transact all business in the Patent and  
Trademark Office in connection therewith:

Anglin, J. Michael	Reg. No. 24,916	Holloway, Sheryl S.	Reg. No. 37,850
Arora, Sunee	Reg. No. P-42,267	Huebsch, Joseph C.	Reg. No. P-42,673
Bernkopf, Paul A.	Reg. No. P-41,615	Kalis, Janal M.	Reg. No. 37,650
Bianchi, Timothy E.	Reg. No. 39,610	Klima-Silberg, Catherine I.	Reg. No. 40,052
Billion, Richard E.	Reg. No. 32,836	Kluth, Daniel J.	Reg. No. 32,146
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136
Brooks, Edward J., III	Reg. No. 40,925	Leffert, Thomas W.	Reg. No. 40,697
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198
Drake, Eduardo E.	Reg. No. 40,594	Lundberg, Steven W.	Reg. No. 30,568
Dryja, Michael A.	Reg. No. 39,662	Lynch, Michael L.	Reg. No. 30,871
Embretson, Janet E.	Reg. No. 39,665	McCrackin, Ann M.	Reg. No. P-42,858
Farney, W. Bryan	Reg. No. 32,651	Pappas, Lia M.	Reg. No. 34,095
Fogg, David N.	Reg. No. 35,138	Schwegman, Micheal L.	Reg. No. 25,816
Forrest, Bradley A.	Reg. No. 30,837	Slifer, Russell D.	Reg. No. 39,838
Hale, Jeffrey D.	Reg. No. 40,012	Terry, Kathleen R.	Reg. No. 31,884
Harris, Robert J.	Reg. No. 37,346	Viksnins, Ann S.	Reg. No. 37,748
Hofmann, Rudolph P., Jr.	Reg. No. 38,187	Woessner, Warren D.	Reg. No. 30,440

Serial Number: 08/895,618  
Filing Date: July 17, 1997  
Title: A COMPUTER INCLUDING A FAST SENSING AMPLIFIER

**CERTIFICATE UNDER 37 CFR 3.73(b)**

Micron Technology, Inc. hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor filed December 20, 1996 and recorded on Reel 8284, Frames 0862 - 0864. To the best of my knowledge and belief, title is in Micron Technology, Inc., the assignee.

Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I, Michael L. Lynch, am empowered to sign this certificate on behalf of Micron Technology, Inc., the assignee.

Please note that Micron Quantum Devices, Inc. has merged into Micron Technology, Inc. as evidenced by the attached Certificate of Merger.

I hereby declare that all statement made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Please direct all correspondence in this case to:

Schwegman, Lundberg, Woessner & Kluth, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
Telephone No. (612)373-6900

Date 8/19/98 By   
Michael L. Lynch  
Title: Chief Patent Counsel